

Senate File 392

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1 3 AN ACT
1 4 RELATING TO THE ANIMAL AGRICULTURE COMPLIANCE ACT, PROVIDING
1 5 FOR PENALTIES, AND PROVIDING AN EFFECTIVE DATE.

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1 7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 9 Section 1. Section 459.307, unnumbered paragraph 1, Code
1 10 2003, is amended to read as follows:

1 11 The department shall adopt rules establishing construction
1 12 design standards for formed manure storage structures that are
1 13 part of confinement feeding operations other than small animal
1 14 feeding operations. However, the construction design
1 15 standards shall apply to a formed manure storage structure
1 16 that is part of a small animal feeding operation as provided
1 17 in section 459.310.

1 18 Sec. 2. Section 459.308, subsection 3, Code 2003, is
1 19 amended to read as follows:

1 20 3. A person shall not construct an unformed manure storage
1 21 structure on karst terrain or on an area that drains into a
1 22 known sinkhole. However, a person may construct an unformed
1 23 manure storage structure, if there is a twenty-five foot
1 24 vertical separation distance between the bottom of the
1 25 unformed manure storage structure and underlying limestone,
1 26 dolomite, or other soluble rock.

1 27 Sec. 3. Section 459.310, subsection 1, unnumbered
1 28 paragraph 1, Code 2003, is amended to read as follows:

1 29 Except as provided in subsection subsections 3 and 3A, the
1 30 following shall apply:

1 31 Sec. 4. Section 459.310, subsection 2, Code 2003, is
1 32 amended to read as follows:

1 33 2. A Except as provided in subsection 3A, a confinement
1 34 feeding operation structure shall not be constructed on land
1 35 that is part of a one hundred year floodplain as designated by
2 1 rules adopted by the department pursuant to section 459.301.

2 2 Sec. 5. Section 459.310, Code 2003, is amended by adding
2 3 the following new subsection:

2 4 NEW SUBSECTION. 3A. A separation distance required in
2 5 subsection 1 or the prohibition against construction of a
2 6 confinement feeding operation structure on a one hundred year
2 7 floodplain as provided in subsection 2 shall not apply to a
2 8 confinement feeding operation that includes a confinement
2 9 feeding operation structure that was constructed prior to
2 10 March 1, 2003, if any of the following apply:

2 11 a. One or more unformed manure storage structures that is
2 12 part of the confinement feeding operation is replaced with one
2 13 or more formed manure storage structures on or after the
2 14 effective date of this Act, and all of the following apply:

2 15 (1) The animal weight capacity or animal unit capacity,
2 16 whichever is applicable, is not increased for that portion of
2 17 the confinement feeding operation that utilizes all
2 18 replacement formed manure storage structures.

2 19 (2) The use of each replaced unformed manure storage
2 20 structure is discontinued within one year after the
2 21 construction of the replacement formed manure storage
2 22 structure.

2 23 (3) The capacity of all replacement formed manure storage
2 24 structures does not exceed the amount required to store manure
2 25 produced by that portion of the confinement feeding operation
2 26 utilizing the formed manure storage structures during any
2 27 eighteen-month period.

2 28 (4) No portion of the replacement formed manure storage
2 29 structure is closer to the location or object from which
2 30 separation is required under subsection 1 than any other
2 31 confinement feeding operation structure which is part of the
2 32 operation.

2 33 (5) The formed manure storage structure meets or exceeds
2 34 the requirements of section 459.307.

2 35 b. A formed manure storage structure that is part of the
3 1 confinement feeding operation is constructed on or after the
3 2 effective date of this Act pursuant to a variance granted by
3 3 the department. In granting the variance, the department
3 4 shall make a finding of all of the following:

3 5 (1) The replacement formed manure storage structure

3 6 replaces the confinement feeding operation's existing manure
3 7 storage and handling facilities.

3 8 (2) The replacement formed manure storage structure
3 9 complies with standards adopted pursuant to section 459.307.

3 10 (3) The replacement formed manure storage structure more
3 11 likely than not provides a higher degree of environmental
3 12 protection than the confinement feeding operation's existing
3 13 manure storage and handling facilities.

3 14 If the formed manure storage structure will replace any
3 15 existing manure storage structure, the department shall, as a
3 16 condition of granting the variance, require that the replaced
3 17 manure storage structure be properly closed.

3 18 Sec. 6. EFFECTIVE DATE. This Act, being deemed of
3 19 immediate importance, takes effect upon enactment.

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MARY E. KRAMER
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 392, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2003

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THOMAS J. VILSACK
Governor